

Message Text

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14

ACTION EA-06

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R 080115Z SEP 76

FM AMEMBASSY RANGOON

TO SECSTATE WASHDC 2262

C O N F I D E N T I A L RANGOON 3087

LIMDIS

E.O. 11652: GDS

TAGS: PINT, BM

SUBJ: BURMESE REQUEST FOR EMBASSY OFFICER'S TESTIMONY AT
FORTHCOMING COUP TRIAL

REF: (A) RANGOON 2336, (B) RANGOON 2551

1. ON 7 SEPTEMBER A BURMESE POLICE OFFICIAL INFORMALLY INQUIRED AS TO WHETHER THE DUTY OFFICER WHO MET COUP PLOTTER OHN KYAW MYINT ON 2 JULY AT THE AMBASSADOR'S RESIDENCE (REFTEL A) WOULD BE AVAILABLE TO TESTIFY IN THE UPCOMING TRIAL OF THE PLOTTERS OR, FAILING THAT, BE ALLOWED TO SUBMIT A DEPOSITION TO THE COURT. THE OFFICIAL SAID THAT BURMESE AUTHORITIES HAVE ALREADY TAKEN A DEPOSITION FROM THE GUARD AT THE RESIDENCE GATE WHO INITIALLY WAS CONTACTED BY OHN KYAW MYINT, AND POINTED OUT THAT TESTIMONY BY THE EMBASSY DUTY OFFICER WOULD BE USEFUL IN CORROBORATING THE GUARD'S TESTIMONY. THE BURMESE OFFICIAL SAID THAT THE FACT THAT OHN KYAW MYINT SOUGHT POLITICAL ASYLUM AT A FOREIGN EMBASSY WOULD STRENGTHEN THE GOVERNMENT'S CASE. THE BURMESE POLICE WERE SUBSEQUENTLY INFORMED VIA THE SAME INFORMAL CHANNEL THAT THE AMBASSADOR FEELS UNDER THE CIRCUMSTANCES IT WOULD BE INAPPROPRIATE FOR AN EMBASSY OFFICER EITHER TO TESTIFY OR TO GIVE A DEPOSITION.

2. THE POLICE OFFICIAL IN DISCUSSING THE CASE SAID THAT THE COUP PLOTTERS WOULD BE BROUGHT BEFORE A CIVILIAN COURT
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ON CHARGES OF HIGH TREASON, WHICH CARRIES THE DEATH PENALTY.

NOT ALL OF THE 14 OFFICERS IDENTIFIED IN THE 21 JULY PRESS
RELEASE (REFTEL B) WILL BE TRIED, HE SAID, BUT ONLY THE
"ACTIVISTS". THE OFFICIAL SAID THE TRIAL IS SCHEDULED
TO START IN MID-SEPTEMBER WHEN THE COMPLAINT IS PUT
BEFORE A TEAM OF MAGISTRATES IN ACCORDANCE WITH BURMESE
CIVILIAN LEGAL PROCEEDINGS; IF THE COURT ACCEPTS THE
COMPLAINT, THE ACCUSED WILL BE INSTRUCTED TO HIRE DEFENSE
LAWYERS OF THEIR OWN CHOOSING. THE TRIAL WILL BE PUBLIC.
THE OFFICIAL SAID THE COUP PLOTTERS WERE IN GOOD HEALTH
AND WERE BEING "TREATED LIKE OFFICERS."
OSBORN

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